

# Senate Study Bill 1119

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON BUSINESS  
AND LABOR RELATIONS BILL BY  
CO=CHAIRPERSON WIECK)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the characterization of personal injuries for  
2 purposes of workers' compensation liability.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1784SC 81  
5 av/cf/24

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1 1 Section 1. Section 85.3, subsection 1, Code 2005, is  
1 2 amended to read as follows:  
1 3 1. Every employer, not specifically excepted by the  
1 4 provisions of this chapter, shall provide, secure, and pay  
1 5 compensation according to the provisions of this chapter for  
1 6 any and all personal injuries sustained by an employee arising  
1 7 out of and in the course of the employment, and in such cases,  
1 8 the employer shall be relieved from other liability for  
1 9 recovery of damages or other compensation for such personal  
1 10 injury. For the purposes of this chapter, a personal injury  
1 11 sustained by an employee shall be characterized as either a  
1 12 traumatic injury or a cumulative injury.  
1 13 a. A traumatic injury does not arise out of the course of  
1 14 employment for the purposes of this chapter unless the  
1 15 traumatic injury is a natural incident of an employment  
1 16 activity of the employee or a reasonable consequence of a  
1 17 hazard associated with an employment activity of the employee.  
1 18 The trauma must be one that would be considered to be more  
1 19 than slight by the average person.  
1 20 b. A cumulative injury does not arise out of the course of  
1 21 employment for the purposes of this chapter unless all of the  
1 22 following are shown:  
1 23 (1) The employment activity that is alleged to be the  
1 24 cause of the cumulative injury or to have significantly  
1 25 aggravated a preexisting condition is the single most  
1 26 substantial factor contributing to the cumulative injury.  
1 27 (2) The cumulative injury, at the time of its occurrence,  
1 28 would not be expected to occur as the result of the normal  
1 29 aging process absent an employment activity of the employee.  
1 30 (3) The employment activity that is alleged to be the  
1 31 single most substantial factor contributing to the cumulative  
1 32 injury is not an activity commonly engaged in by the employee  
1 33 in the normal nonemployment life of the employee.

### EXPLANATION

1 34 This bill amends Code section 85.3, subsection 1, to  
2 1 provide that for the purposes of Code chapter 85, a personal  
2 2 injury sustained by an employee shall be characterized as  
2 3 either a traumatic injury or a cumulative injury.  
2 4 The bill provides that a traumatic injury does not arise  
2 5 out of the course of employment for workers' compensation  
2 6 purposes unless the traumatic injury is a natural incident of  
2 7 an employment activity of the employee, or a reasonable  
2 8 consequence of a hazard associated with an employment activity  
2 9 of the employee. The trauma must be one that would be  
2 10 considered to be more than slight by the average person.  
2 11 The bill also provides that a cumulative injury does not  
2 12 arise out of the course of employment unless the cumulative  
2 13 injury is caused by an employment activity that is alleged to  
2 14 be the cause of the cumulative injury, or to have  
2 15 significantly aggravated a preexisting condition, that is the

2 16 single most substantial factor contributing to the cumulative  
2 17 injury; the cumulative injury, at the time of its occurrence,  
2 18 would not be expected to occur as the result of the normal  
2 19 aging process absent an employment activity of the employee;  
2 20 and the employment activity that is alleged to be the single  
2 21 most substantial factor contributing to the cumulative injury  
2 22 is not an activity commonly engaged in by the employee in the  
2 23 normal nonemployment life of the employee.  
2 24 LSB 1784SC 81  
2 25 av/cf/24